

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLICATION NO. 10/773,348
ATTORNEY DOCKET NO. Q79477

REMARKS

Applicants thank the Patent Office for acknowledging their claim to foreign priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document.

Claims 1-12 have been examined on their merits.

Applicants herein add new claims 12-16. Support for the new claims 12-16 can be found, for example, in the originally-filed specification. Entry and consideration of the new claims 12-16 is respectfully requested.

Claims 1-16 are all the claims presently pending in the application.

1. Claims 8-10 stand objected to due to informalities. Applicants herein amend claims 8 and 9 to remove the informalities. Applicants respectfully request reconsideration and withdrawal of the objection to claims 8-10.

2. Claims 1-6, 8, 9 and 12 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Garrett *et al.* (U.S. Patent No. 6,760,511). Applicants traverse the § 102(e) rejection of claims 1-6, 8, 9 and 12 for at least the reasons discussed below.

Garrett *et al.* disclose, *inter alia*, a wavelength separating routing apparatus. As shown in Fig. 1A of Garrett *et al.*, a diffraction grating 101 angularly separates a multi-wavelength optical signal from an input port collimator 110-1 into three spectral channels, which are then focused by a focusing lens 102 into a spatial array of distinct spectral spots in a one-to-one correspondence. Each of channel micromirrors 103 receives one of the spectral channels. Each

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spectral channel, upon reflection, is deflected in the y-direction, e.g., downward, relative to its incident direction, so as to be directed into one of the output ports 110-2 through 110-N (Garrett *et al.*, col. 8, lines 30-34). Specifically, the beam incident upon and reflected from each of the micromirrors have the same wavelength. Garrett *et al.* fail, however, to teach or suggest at least that a center wavelength of an optical signal is incident upon and reflected from a micromirror along substantially the same optical path.

Accordingly, Applicants respectfully submit that independent claim 1 is allowable over Garret *et al.*, and further submit that claims 2-6, 8, 9 and 13-16 are allowable as well, at least by virtue of their dependency from claim 1. Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejection of claims 1-6, 8, 9 and 13-16.

Applicants also submit that independent claim 12 is allowable for at least reasons that are analogous to those discussed above with respect to claim 1. Applicants respectfully request reconsideration and withdrawal of the § 102(e) rejection of claim 12.

With respect to claim 5, the Patent Office has asserted that, in Garrett *et al.*, it is implicitly true that the diffraction grating can be rotated about the longitudinal axis. However, nothing in Garrett *et al.* supports such an assertion. Thus, claim 5 is patentable for this additional reason as well.

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3. Claim 7 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Garrett *et al.* in view of Chen (U.S. Patent No. 6,563,977). Applicants traverse the § 103(a) rejection of claim 7 for at least the reasons discussed below.

Chen discloses, *inter alia*, a wavelength multiplexer-demultiplexer device that provides minimal polarization sensitivity. Chen fails, however, to overcome the above-discussed deficiencies of Garrett *et al.* with respect to at least a center wavelength of an optical signal is incident upon and reflected from a micromirror along substantially the same optical path. Thus, Applicants respectfully submit that claim 7 is patentable at least by virtue of its dependency from claim 1. Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claim 7.

4. Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Garrett *et al.* in view of Chang *et al.* (U.S. Patent No. 5,392,154). § 103(a) rejection of claims 10 and 11 for at least the reasons discussed below.

Chang *et al.* disclose, *inter alia*, a multiwavelength lightwave communications system that self-regulates power on a channel-by-channel basis. Garrett *et al.* disclose, *inter alia*, optical add-drop multiplexers. Given the different disclosures of the two references, there is no reason for a skilled artisan to combine them. Moreover, Chang *et al.* fail to overcome the above-discussed deficiencies of Garrett *et al.* with respect to at least a center wavelength of an optical signal is incident upon and reflected from a micromirror along substantially the same optical path. Thus, Applicants respectfully submit that claims 10 and 11 are patentable at least by virtue

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of its dependency from claim 1. Applicants respectfully request reconsideration and withdrawal of the § 103(a) rejection of claims 10 and 11.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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